

**BUTTE-SILVER BOW LOCAL GOVERNMENT
STUDY COMMISSION**

**Minutes of the Meeting
August 25, 2005**

Butte-Silver Bow Courthouse, First Floor Conference Room

Meeting Date: August 25, 2005

Time: 5:30 p.m.

Place: Butte-Silver Bow Courthouse, First Floor Conference Room

Call to Order: Chairman Bob Worley brought the meeting to order at 5:37 p.m. and called roll with the following results:

Members Present: Tony Bonney, Ristene Hall, Dave Palmer, Meg Sharp, Cindi Shaw, Northey Tretheway, Bob Worley

Excused Absences: Wayne Harper, Shag Miller, Ron Rowling

Approval of Minutes:

Comments from Ron Rowling:

Citizen's Comments: None

Items not on Agenda: Chance to talk to Fritz Daly. He would like to write them a letter and give flip side of Superfund issues. Would accept invitation to speak before Study Commission. Tony will have name of professor who specializes in Governmental Law for Bob Worley tomorrow.

Bob Worley commented that he knows they have 41K to spend in budget but do need to watch their dollars.

Bob Worley spoke of reviewing the survey questions. After listening to Brenda Dorval's suggestions and the costs, it was decided that a survey would not be done.

Tony asked about inserting the survey into water bills. Bob replied that it was voted not to do the survey and thought if it were done that way, it would be bias.

Bob Worley spoke about reviewing the survey questions. Bob suggested starting with page one of the existing charter and discuss corrections that need to be made and things that they would like to pursue. The first question asked should BSB continue to elect a Chief Executive, should the Council of Commissioners appoint a City County Manager or no opinion?

Ristene replied whether the person is elected or appointed, he is a person that is going to do the job. Ristene stated that she did not think how he got there is going to make a big difference. It is getting the good person in the job. That is the hard part, whether they appoint or elect. Ristene commented that she knows that the town of Butte likes to elect the officials.

Tony replied that a majority of the voters are in agreement with that and thinks Anaconda who is presently in a different situation then Butte should look really hard at that. Tony believes they will get their answer of appointment. Tony stated that people in Butte would pick out whom they want.

Northey concurs with everything that has been said. He thinks if something is not going to pass on the ballot then maybe they should spend their time on something they really think should go on it.

Dave Palmer replied that he did not think it would pass on the ballot for an appointed City County Manager and he would like to be able to elect the Chief Executive. He thinks if the right person gets in, it works perfectly fine.

Cindy Shaw concurred.

Bob Worley stated that he has watched the papers and has seen Chief Executives that have been appointed and there still seems to be turmoil. Bob stated that if the Chief Executive is selected properly, he is going to come on board with some knowledge on how government works and may avoid some of the problems BSB currently has. Bob Worley stated that he agrees with everyone and that the people of BSB will want to decide. Bob thought they would not need to put the decision in a form of a motion. They would just scratch them off as they were reviewed.

Question 2 asked, should the sheriff continue to be elected or should the sheriff be appointed by the Chief Executive with the approval of the Council of Commissioners?

Tony Bonney responded with the problems that are going on in the Police Department, they are involved in their own turmoil. Tony thought that was something they should look at. Tony stated that a lot of people are not happy with the route of law enforcement, especially when one has to fill out their own forms and things of that nature. Tony thought that they seemed to think they have lost control of how things get done in the sheriff's office. Tony was in favor of keeping this question.

Meg Sharp replied in line of their problems and seeing how successful the Fire Department is and they have an appointed administrator. Meg Sharp felt that BSB needs an appointed administrator. She thinks the present sheriff takes advantage of his present position and he can't be fired. She stated that he has given good cause.

Ristene Hall has seen in the past where there has not been a huge choice as far as the people running for that position. Ristene Hall would be more in favor of an appointed sheriff to have more people interested in the job.

Tony Bonney made a point about Pat Hagel and when the world went around him. When Bob Butorovich took office, he had no law enforcement experience. He was an administrator and he was elected overwhelmingly. Tony stated that the people chose him instead of someone who had an extensive law enforcement background. The people chose an administrator. Tony felt that the administrator part actually worked in Bob's favor to some of the problems that were still around when he got in there.

Cindy Shaw asked if people voted that they would like to appoint the sheriff rather than elect, what would happen with the person in place? How is the transition made?

Tony Bonney commented that was explained in Bozeman. Tony explained when that happens they stick around for an extra 60-90 days and they are done when their term is done. If they are elected on the next one, they go until the end of their term.

Bob Worley asked Dave if they run this in June how does this work. If they run it in June and it passes in June would there not be an election of the sheriff in November?

Cindi Shaw commented with that in mind she would definitely like to keep question 2 on their agenda.

Ristene suggested if BSB does go with an elected Sheriff maybe the job description needs to be redone. What is required for the position? Is that up to the Study Commission?

Northey replied that he was thinking the same thing.

Tony Bonney stated that is changes to the charter and they would need to educate the public on why they want it and why the changes are going to be made.

Northey Tretheway asked if the state has definitions.

Meg Sharp asked if they could look at the Fire Chief's job description as a model.

Bob Worley stated that is one place they could look. Another suggestion by Bob Worley was to look across the state and see what they have done.

Northey Tretheway stated they need to know how much latitude they have in the charter.

Dave Palmer stated that sheriff should continue to be elected due to the fact if one is appointed; we could be in the same boat as we are now with department heads. Once they are in there, they could be in there forever. With an elected position, in four years, if you wanted to change it to two years you probably could but for four years the voters have the option to change the sheriff if they do not like the policies he has implemented in the last four years. With an appointed person, the Chief Executive might pick somebody from Los Angeles and no one likes him but unless he does something wrong, he will be in for the rest of life if he wants to.

Ristene Hall replied unless his job description suggests "at the pleasure of".

Tony Bonney suggested checking the actual wording since that is something they are going to look at anyway. They could check the legality of the wording. Instead of at the pleasure of maybe state it appointed by present Council of Commissioners and Chief Executive or Chief Executive with the approval of Council of Commissioners.

Northey Tretheway stated if there are performance standards written out and job qualifications that person performs then he should be able to stay in that position. If he/she is not meeting those standards then one needs to get rid of them just as one would for anyone else.

Bob Worley discussed the article in the paper on the present Chief Executive and serving "at the pleasure of". Bob mentioned the Workers Termination Act and what is done in a case like that. You do need job descriptions and if the particular employee is not performing according to the job description, it is a case where you can bring an employee in and reprimand him/her and give them a notice that they will sign. There are pros and cons to this. Bob stated elected or not elected he is not sure if one can find attorneys that won't find good and bad in both of those things. Bob Worley stated it is just a tough deal but he can see if Paul did things differently he may not be in the situation he is in.

Cindy wanted to remind everyone that it is not how they feel about the question but it is something that the public should decide on.

Bob Worley stated that his thoughts on this right now is that he does not think BSB presently has anybody to answer to other than the public. If the public is upset with the way things are going and he is appointed at least he will answer to a Chief Executive and Council of Commissioners. Bob Worley stated that he is also in favor of keeping question 2.

Question 3 asked should the number of Council of Commissioners remain at 12 or should the number be changed to another number and if so what should that number be? Bob Worley commented that they are not concerned with the number but whether they want to retain that as a question to the voters.

Dave Palmer thought they should take it off the question and leave it at 12. Dave believed the more, the better the representation.

Cindi Shaw agreed.

Ristene Hall agrees and felt that they need that much representation but also thinks that they should continue to study it as far as when they go and talk to other communities and what works for them.

Ristene believed that BSB needs some commissioners that are spending more time. Maybe have some full-time commissioners. In order to stay on top of it all, they need commissioners that can attend all of the meetings, which they cannot do if they have a full-time job. Everybody that is on the council has a job. They cannot attend the meetings and then they are not on top of it. Ristene felt people could be represented better if the council was educated more and able to spend more time.

Meg Sharp stated that people would not be able to give up their jobs to become a full-time commissioner.

Tony Bonney agreed with Ristene that it should be discussed further.

Cindi Shaw agreed with Ristene that it would not be a bad idea to have full-time commissioners but there does need to be some accountability. Cindi Shaw stated that she knows two people that are hardly at the council meetings and when they are there they don't speak up. I would hate for that person to be my representative. Also, if they are getting paid for a full-time job where is the accountability? Can they be fired or reprimanded? Cindi stated it could lead into more complicated things but it might be necessary.

Northey does not know if it is put on the ballot if they can do something different with the number of commissioners or if it would pass. However, Northey felt that there would be more accountability with fewer commissioners. Information from other communities on the number of commissioners that are typically running would support that accountability. If there were five commissioners there is less room for people to mess up. There is less room to push the blame on someone else. There seems to be a requirement that they would have to act on the things that the Council of Commissioners should be focusing on rather than potholes in the street.

Bob Worley agreed with Northey. Bob stated that he could see Northey's point if there are fewer there is more accountability. Bob asked Dave if there were a lot of mundane things that they have to do. Maybe if the Council of Commissioners were more involved in running the government rather than dealing with problems such as stop signs...Bob asked if all those things need to be approved through the Council of Commissioners or when they put up a stop sign or anything like that?

Dave Palmer replied yes because it is an ordinance.

Meg Sharp commented that Ristene mentioned the possibility of full-time. If there were full-time and part-time commissioners where they have four legislative districts and two commissioners in each district making eight, one which ran as a full-time and one as part-time would be an equitable way to figure it out.

Bob Worley replied that they would all have equal say when they attended a meeting but one person out of each district would be at the courthouse on a full-time basis and paid accordingly.

Bob Worley asked if it was really necessary that the council meet on a weekly basis? Dave replied yes because you have the regular Council meetings, which are every other week. The other meeting is Committee of the Whole. Bob asked so that could not happen once a month? Dave replied that one could but there is too much to do.

Ristene Hall agreed and stated there is too much to do. Going back to the potholes and street lights if some of those issues could be directed towards a complaint department it would not take up council's time. Ristene stated that at the Council of Commissioner's meetings, they never had a meeting where they had absolutely nothing to do.

Meg Sharp replied that there has to be enough commissioners to have those various committees. You could not get away with three commissioners because you would never have committees.

Bob Worley commented that the commissioners are asked to serve on a lot of committees outside of the council. Bob further commented that this sounds like a question they want to keep and moved on to the next question.

Dave Palmer suggested that they write a letter to the police commissioner and ask his opinion on elected versus appointed sheriff.

Bob Worley stated if they are going to appoint a sheriff they would still want to work it through interviews and so forth through the commissioner.

Bob Worley moved on to the next question, should commissioners continue to be elected by district, countywide or no opinion? In regard to those two questions, one is going to help answer the other so they would probably want to keep that question.

Dave Palmer commented that they should definitely be elected by district, especially if the numbers are fewer.

Bob went over question number five, which was should elections for local offices remain non-party affiliated or should they become partisan, party affiliated, democrat, republican, yes/no or no opinion.

Tony Bonney replied that has been answered so many times already. He stated it has good and bad on both sides but thinks in local politics on local level it really has no bearing and thinks that the voters have said that a number of times. Tony felt that question should be left out.

Meg Sharp agreed with Tony.

Ristene Hall agreed. It goes back to the good person that is going to do the job.

Cindi Shaw voted that they strike that question.

Dave Palmer thought they should keep that question on there for a couple of reasons. When you have party affiliation and there is only one person running you only have to go through one election or even if there is two people running for different parties, it is only one election instead of going through it twice. For that reason he thinks they should keep it.

Meg Sharp replied that she did not understand. Dave clarified if you have two democrats or two republicans running in an election and the democrat wins in June, it is over. If there is one democrat and one republican it will run until November.

Northey Tretheway thought it should it remain non-partisan for the reasons previously stated and wants to strike it.

Bob Worley agreed with Northey Tretheway.

Tony Bonney stated rather than strike it, Shag might have a different view and to leave it open until everyone is present. Bob stated that they do have a quorum and it could be decided tonight. Meg Sharp made a motion to strike that question and Northey Tretheway seconded. Motion carried to strike that question.

Dave Palmer stated that he is not in favor of keeping question number four. He is in favor of keeping district wide as opposed to countywide.

Bob asked if anyone was in favor of electing commissioners countywide. Meg Sharp replied that they should continue to discuss it because they were elected countywide. Bob Worley commented that question four is part of question three.

Question six asked should a full-time Community Enrichment Clean-up Coordinator be appointed with the choices of answering yes, no or no opinion.

Meg Sharp replied that it looks like the government is already taking care of it.

Dave Palmer stated that he agrees. He stated that he did not before but he has been going to the meetings that they have on Wednesday afternoon and it is working well right now because the Health Department is taking the lead role in it with Paul Babb. They have around four or five people designated just for that purpose and as Dan Powers stated the rest of the department are suffering because of it. So as long as they keep it going the way it is that is perfectly fine. If they go back to their old duties then community enrichment is down the tubes again. Right now it is working fine.

Tony Bonney stated that he agreed with Dave but if the Chief Executive and leadership change then everything they are working so hard for could be shot.

Cindi Shaw agrees and is similar to Land Office situation where they have a Land Office but he has his hands tied because he does not have enough personnel to do the job. Cindi was not sure if there was a way they could define a Community Enrichment Coordinator.

Meg Sharp stated that question should be kept on the agenda.

Bob Worley and Ristene Hall both agreed.

Question number 7-Dog problem

Meg stated that it looks like the government is taking care of it.

Tony Bonney stated that it is a major problem that needs to be addressed.

Ristene Hall felt that someone who is elected needs to be accountable and the people are not getting a lot of satisfaction with Public Works.

Cindi Shaw commented that maybe that job needs to be made more desirable or something that can be done without being a total frustration and maybe a job description is what they need.

Dave Palmer stated that Don Peoples once told him that anyone who would be stupid enough to run for Chief Executive deserves it too. Dave thought it should be left on and discussed until the problem is solved. Dave thought that maybe the job description should be changed for the Chief Executive that he should not get paid until he fixes the dog problem.

Bob Worley agrees they need to get someone in there who is responsible and accountable to the dog problem. Bob commented on the research that Cindi Shaw did on the dog problem going back to 1901.

Northey Tretheway commented that it would be good to see what other communities do and recalls a couple of people commenting that the structure is not bad the way it is right now it is just an enforcement and money thing. The money is not there to do what needs to be done. Most of the other community's dogcatcher is under the sheriff or law enforcement area so one can get some action.

Bob Worley brought up the comment John VanDaveer made that other communities put a lot more money into dog control than BSB. Bob stated maybe they could look into that and maybe it would be something that council needs to do.

Question number eight asked should BSB create a centralized Complaint Department? Bob asked if anyone had any comments.

Ristene Hall said yes. She felt the citizens have enough complaints and don't know what to do with them and when they do they don't get any action. Ristene felt they needed a Complaint Department that citizens can call. They can then direct the call to the appropriate department. That would be a huge service to the city instead of doing it through the commissioners. Ristene commented when she was a commissioner she had to write three letters because she could not get Public Works on the phone.

Tony Bonney agreed with Ristene that they should keep it alive and keep the fact in mind that they will give that position a little bit of clout other than in a small office in the closet so that when people have problem it will be dealt with. Other department heads will be accountable also.

Cindi Shaw replied that it is not like an answering service, which is what BSB has right now. Cindi stated that she has called and gets a little bit of lip service and feels that she was kind of taken care of but does not get any follow-up. Every month she would need to call back and checking back. There has been no follow-up. It needs to be somebody familiar with all departments.

Bob Worley responded that it would have to be somebody that is familiar with all departments and knowledgeable with local government. Bob stated that Paul has addressed this to some degree but the Study Commission is trying to take pressure off the commissioners and Chief Executive. It might be something that should be looked at further. Bob Worley asked if everyone was in favor of keeping that question and studying it further. All agreed to keep it.

Bob Worley moved on to question nine which asked, should the Study Commission study and propose a plan for Superfund issues.

Dave Palmer replied that they should keep this on the board for now. He believed they were on the same page as the executive branch of government. It is just a question of whether to do it by ordinance or charter. Tony Bonney agreed with Dave that people are on the same page. He had a chance to speak with Fritz and he has strong points on why the public should be involved with the funds or how the public should have the ability to have a say on what is done because leadership changes so rapidly. The public keeps a pretty good eye on what is going on in the neighborhood and they should have the ability to say what is done with those funds.

Northey Tretheway responded that this is the biggest issue BSB is going to face. If they fail to address it one way or another, they have failed. Keeping the public involved is important. Northey does not have a resolution on what should be put on the ballot but is uncomfortable with the empire building that is taking place with Superfund dollars. If there is a board created some of that board should be elected and some appointed.

Bob Worley replied that it is a real issue for them and it does need to be addressed.

Cindi Shaw commented that they only get together every 10 years and thinks it is a timely issue.

Meg Sharp stated that she would like to hear what Fritz Daly has to say.

Bob Worley stated that he would get in touch with Fritz Daly. Bob thought Paul and Jon threw up a red flag last week and this is something that needs to be addressed by them as a commission and would like to hear from some outside people on this.

Northey Tretheway suggested having John Ray attend.

Meg Sharp stated that they could invite them both and give them time limit.

Northey Tretheway all that should be focused on is what can they do as a Study Commission not the technicalities it is what should the government's structure be.

Bob Worley stated that they should hear these guys as soon as possible. Would like to have them here both at same time at the next meeting on Sept 8th.

The next few questions, relating to a survey, were struck since it was decided that there would be no survey.

Bob Worley mentioned the charter changes that they did on May 16th and going over those.

Ristene Hall commented that they never did get into golf course. Ristene stated that there are some huge complaints about the golf course. Ristene asked if that was something they might want to look into? Ristene mentioned how the government has a way of creating jobs and to look at the job description and see if there is anything they can do to improve it. Ristene commented that there are numerous complaints brought to the commissioners and it does not seem to be managed well.

Bob Worley replied that is controlled by the Recreation Department under Public Works. Bob did not know if they were to go in and try to do the job description on one thing. Ristene asked that they just look at it. Bob Worley asked what would they do with it? Ristene replied to just look at it and see what the taxpayers are actually paying for and what it is they are getting back in return.

Cindi Shaw replied that she was not sure that was in their scope.

Bob Worley stated that they could keep it open and was not sure if they were in their bounds but could maybe look at BSB expanding the facilities so there was more golfing available or was it being asked about the maintenance. Ristene Hall was speaking about the way it was being operated. There have been huge complaints about the operation of it. She would just like to see it be studied.

Bob Worley asked if the operations of the golf course were put out for bid. Dave Palmer replied that he believed it was and they have to apply through Bob Rowling.

Tony Bonney replied that this would come under the scope of suggestions they can make to the council. Tony stated that what Ristene was trying to point out is that right now they bid out for the operation or running of it; the clubhouse. He gets the sales out of there, takes care of the memberships and anything with revenue, he pulls it in. BSB does put Public Work's employees out so during the summer they have a couple extra kids that mow the lawn. Tony believed that comes under their realm of making suggestions to the Council of Commissioners and see what they want to do with it. That has not been looked at before.

Northey Tretheway asked how much profit is made? It was stated that a yearly membership costs around \$150.00 per year.

Ristene Hall commented that it would probably be something the citizens of Butte would appreciate if they would study this.

Bob Worley stated that he would put that down as a commissioner question and talk o somebody that is pretty knowledgeable about it. Bob thought the most knowledge person would be Mike Kerns or Bob Rowling. He can find out what kind of contract they have with Dewitt.

Meg Sharp thought they needed to discuss the position of the auditor whether or not it should remain as it is currently or whether it should become part of the Budget and Finance Department.

Bob Worley stated that came up in the questions that were highlighted by Ron Rowling. He had asked each one of the commissioners and thought that Ron Rowling had consolidated the items so that they were not repetitive such as "to serve at the pleasure of". Northey asked everyone if it would be all right to go over the list once it was consolidated.

Ristene Hall asked if it would help to ask other communities to get input on how they are doing things and their input might help them decide what might work best.

Bob Worley replied that the could do that and he has questions that were brought to his attention the other day about Great Falls and using below the commissioners committees within the districts to help solve

some of the problems within the districts. It was neighborhood councils. Bob made mention of guidelines on citizen's committees and will contact Great Falls on that. It may be something they would want to make a suggestion to the commissioners on.

Tony thought that would be something for Ron. If have they have a question for Great Falls regarding their golf course, they could get Ron to write the letter. This is where he starts to earn his title.

Bob Worley stated that he will have Ron look into it and contact other departments on what they are doing in regard to animal control, whether they have elected or appointed sheriffs and what they are doing about that and so forth. Bob stated that he would consolidate the list.

Tony Bonney suggested that they spend the next few weeks looking at that list.

Bob Worley stated that they could do that and go over that list in the next two weeks. Whether they are going to do anything with Superintendent of Schools or leave it as it is.

Cindi Shaw would like to add to list the issue regarding the Historic Preservation Officer.

Bob Worley stated that he would talk to Fritz Daly and John Ray.

Northey made a point of correction from last week from the minutes where commented that the commissioners could put the change on the charter for the voters and do not have to wait 10 years. Northey did some research and asked Bob McCarthy and also went the local Montana Government Review and according to Bob McCarthy it can be changed. There are two ways of doing it. The governing bodies, the Council of Commissioners, can adopt a resolution and place the matter on the ballot and have voters to decide to adopt or reject. The other way is by petition where someone can gather enough signatures to have a change submitted to the voters.

Next meeting is scheduled for September 8, 2005.

Bob Worley entertained a motion to adjourn. Meg Sharp moved to adjourn and Ristene seconded the motion.